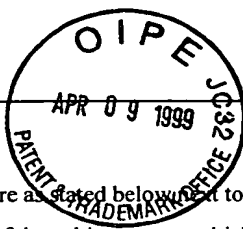


DECLARATION FOR PATENT APPLICATION

ATTORNEY'S DOCKET NUMBER
31608-20001.21

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ANTIGEN BINDING FRAGMENTS THAT SPECIFICALLY DETECT CANCER CELLS, NUCLEOTIDES
ENCODING THE FRAGMENTS, AND USE THEREOF FOR THE PROPHYLAXIS AND DETECTION OF
CANCERS

the specification of which:

☒ was filed as United States applicationSerial No. 09/194,164
on November 20, 1998.




I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a) and (b).

I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:

COUNTRY (if PCT indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
PCT	US/97/08927	22/05/97	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

Declaration for Patent Application (Continued) (Includes Reference to PCT International Applications)				ATTORNEY'S DOCKET NUMBER 31608-20001.21	
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:					
U.S. APPLICATIONS			STATUS (Check one)		
U S APPLICATION NUMBER	U S FILING DATE		PATENTED	PENDING	ABANDONED
08/657,449	May 22, 1996			X	
PCT APPLICATIONS DESIGNATING THE U.S.			STATUS (Check one)		
PCT APPLICATION NUMBER	PCT FILING DATE	U S SERIAL NUMBERS ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
PCT/US97/08927	May 22, 1997				X
Send correspondence to: <u>Susan K. Lehnhardt</u> <u>Morrison & Foerster LLP</u> <u>1290 Avenue of the Americas</u> <u>New York, New York 10104-0012</u>				Direct telephone calls to: (212) 468 8186	
201	FULL NAME OF INVENTOR <u>Dan</u>	FAMILY NAME <u>Dan</u>	FIRST GIVEN NAME <u>Michael</u>	SECOND GIVEN NAME <u>D.</u>	
1	RESIDENCE & CITIZENSHIP <u>Scarsborough</u>	CITY <u>Scarsborough</u>	STATE OR FOREIGN COUNTRY <u>Canada</u> <u>CAX</u>	COUNTRY OF CITIZENSHIP <u>Canada</u>	
	POST OFFICE ADDRESS <u>30 Naby Court</u>	POST OFFICE ADDRESS <u>30 Naby Court</u>	CITY <u>Scarsborough, ON</u>	STATE & ZIP CODE/COUNTRY <u>M1B 2K9</u>	
202	FULL NAME OF INVENTOR <u>Kaplan</u>	FAMILY NAME <u>Kaplan</u>	FIRST GIVEN NAME <u>Howard</u>	SECOND GIVEN NAME <u>A</u>	
2	RESIDENCE & CITIZENSHIP <u>Winnipeg</u>	CITY <u>Winnipeg</u>	STATE OR FOREIGN COUNTRY <u>Canada</u> <u>CAX</u>	COUNTRY OF CITIZENSHIP <u>Canada</u>	
	POST OFFICE ADDRESS <u>18 Hillhouse Road</u>	POST OFFICE ADDRESS <u>18 Hillhouse Road</u>	CITY <u>Winnipeg, MB</u>	STATE & ZIP CODE/COUNTRY <u>R2V 2V9</u>	
203	FULL NAME OF INVENTOR <u>Maiti</u>	FAMILY NAME <u>Maiti</u>	FIRST GIVEN NAME <u>Pradip</u>	SECOND GIVEN NAME <u>K.</u>	
3	RESIDENCE & CITIZENSHIP <u>Winnipeg</u>	CITY <u>Winnipeg</u>	STATE OR FOREIGN COUNTRY <u>Canada</u> <u>CAX</u>	COUNTRY OF CITIZENSHIP <u>Canada</u>	
	POST OFFICE ADDRESS <u>38 Swan Lake</u>	POST OFFICE ADDRESS <u>38 Swan Lake</u>	CITY <u>Winnipeg, MB</u>	STATE & ZIP CODE/COUNTRY <u>R3T 4W1</u>	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.					
SIGNATURE OF INVENTOR 201 		SIGNATURE OF INVENTOR 202 		SIGNATURE OF INVENTOR 203 	
DATE <u>3/29/99</u>		DATE <u>3/15/99</u>		DATE <u>3/21/99</u>	



03 Rec'd PCT/PTO

APR 1999 PATENT
Docket No. 316082000121

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EG327725412US

Date of Deposit: April 9, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Susan K. Lehnhardt
Susan K. Lehnhardt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael D. Dan et al.

Serial No.: 09/194,164

Filing Date: November 20, 1998

For: ANTIGEN BINDING FRAGMENTS
THAT SPECIFICALLY DETECT
CANCER CELLS, NUCLEOTIDES
ENCODING THE FRAGMENTS, AND
USE THEREOF FOR THE
PROPHYLAXIS AND DETECTION OF
CANCERS

Examiner: Unassigned

Group Art Unit: Unassigned

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Novopharm Biotech Inc, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Mani Adeli (Reg No. 39,585)
Erwin J. Basinski (Reg No. 34,773)
Paula A. Borden (Reg No. 42,344)
Barry E. Bretschneider (Reg No. 28,055)
Alan W. Cannon (Reg No. 34,977)
Robert K. Cerpa (Reg No. 39,933)

Sanjay Bagade (Reg No. 42,280)
Frank P. Becking (Reg No. 42,309)
Sean Brennan (Reg No. 39,917)
Nicholas Buffinger (Reg No. 39,124)
Mark R. Carter (Reg No. 39,131)
Thomas E. Ciotti (Reg No. 21,013)

Raj S. Davé (Reg No. 42,465)
Stephen C. Durant (Reg No. 31,506)
Cheryl L. Franke (Reg No. P-44,113)
Douglas Hodder (Reg No. 41,840)
Madeline I. Johnston (Reg No. 36,174)
Cindy S. Kaplan (Reg No. 40,043)
Phanesh B. Koneru (Reg No. 40,053)
Jung-Hua Kuo (Reg No. 41,918)
Wen Liu (Reg No. 32,822)
Harry J. Macey (Reg No. 32,818)
Gladys H. Monroy (Reg No. 32,430)
Dahna S. Pasternak (Reg No. 41,411)
William C. Revelos (Reg No. 42,101)
J. Michael Schiff (Reg No. 40,253)
Lee K. Tan (Reg No. 39,447)
Thomas G. Wiseman (Reg No. 35,046)
Frank Wu (Reg No. 41,386)

E. Victor Donahue (Reg No. 35,492)
Sean M. Fitzgerald (Reg No. 42,537)
Hector Gallegos (Reg No. 40,614)
Charles D. Holland (Reg No. 35,196)
Richard D. Jordan (Reg No. 33,519)
Ararat Kapouytian (Reg No. 40,044)
Antoinette F. Konski (Reg No. 34,202)
Susan K. Lehnhardt (Reg No. 33,943)
David C. Lundmark (Reg No. 42,815)
Thomas D. Mays (Reg No. 34,524)
Kate H. Murashige (Reg No. 29,959)
Catherine M. Polizzi (Reg No. 40,130)
Robert Saltzberg (Reg No. 36,910)
Debra A. Shetka (Reg No. 33,309)
E. Thomas Wheelock (Reg No. 28,825)
Karen K. Wong (Reg No. P-44,409)

all of Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, New York 10104-0012, telephone (212) 468-8000, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all written communications relative to this application to:

Susan K. Lehnhardt
Morrison & Foerster LLP
1290 Avenue of the Americas
New York, New York 10104-0012

Please direct all telephone communications to Susan K. Lehnhardt at (212) 468-8186.

Novopharm Biotech Inc
a Canadian corporation

Dated: 03/30/99



Name: Anthony Schincariol
Title: President and CEO
Address: 30 Novopharm Court
Ontario, Canada

ASSIGNMENT JOINT

THIS ASSIGNMENT, by Michael D. Dan, Howard A. Kaplan and Pradip K. Maiti (hereinafter referred to as the assignors), residing at Scarsborough, Canada; Winnipeg, Canada and Winnipeg, Canada, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in ANTIGEN BINDING FRAGMENTS THAT SPECIFICALLY DETECT CANCER CELLS, NUCLEOTIDES ENCODING THE FRAGMENTS, AND USE THEREOF FOR THE PROPHYLAXIS AND DETECTION OF CANCERS, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith; bearing Serial No. 09/194,164 and filed on November 20, 1998; and

WHEREAS, Novopharm Biotech, a corporation duly organized under and pursuant to the laws of Canada and having its principal place of business at Toronto, Canada (hereinafter referred to as the Assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said Assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said Assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said Assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said Assignee, its successors, legal representatives and assigns, but at the cost and expense of said Assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said Assignee as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said Assignee, its successors, legal representatives and assigns.

3/12/99
Date


Michael D. Dan

3/15/99
Date


Howard A. Kaplan

3/15/99
Date


Pradip K. Maiti